

Coleman, Duane L.

From: Ross Hutchison <RHutchison@smithcashion.com>
Sent: Monday, June 06, 2016 1:21 PM
To: Coleman, Duane L.; Goerisch, C. David
Cc: jbradshaw@wyattfirm.com; Greg Cashion
Subject: RE: Western Amended Discovery Responses

Mr. Coleman:

First, there is no need to include the resolved issues in the joint statement as those issues have been addressed and will not be subject of any dispute.

Second, we do not agree that it is appropriate to place your legal argument in a Joint Statement. Arguments would be more proper in your presumptive Motion to Compel.

We continue to hope that a Motion to Compel will be avoided, and have provided you appropriate responses and amended responses in good faith in hopes of avoiding such a dispute.

J. Ross Hutchison



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From: Coleman, Duane L. [mailto:dcoleman@lewisrice.com]
Sent: Monday, June 06, 2016 12:57 PM
To: Ross Hutchison; Goerisch, C. David
Cc: jbradshaw@wyattfirm.com; Greg Cashion
Subject: RE: Western Amended Discovery Responses

**Exhibit
12**

Mr. Hutchison:

The Amended Responses of Western Surety Company ("Western") do little to resolve the issues with Western's original responses to Plaintiff's interrogatories. Therefore, Plaintiff intends to move forward with a motion to compel.

Toward that end, attached is a revised version of the "Joint Statement of Matters at Issue in Discovery Dispute." As you will see, Western's position (now that it has finally taken one) is set forth in the revised Joint Statement based on the content of your trailing e-mail and/or Western's Amended Responses. To the extent you disagree or Western wishes to reconsider its position, please advise promptly, in writing. Thank you.

 Duane L. Coleman

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From: Ross Hutchison [mailto:RHutchison@smithcashion.com]

Sent: Wednesday, June 01, 2016 3:53 PM

To: Coleman, Duane L. <dcoleman@lewisrice.com>; Goerisch, C. David <dgoerisch@lewisrice.com>

Cc: jbradshaw@wyattfirm.com; Greg Cashion <GCashion@smithcashion.com>

Subject: Western Amended Discovery Responses

Gentlemen:

Attached please find the Amended Responses of Western Surety. A copy is also being sent via U.S. Mail.

In hopes of assisting you in your review of the amended responses and referencing the proposed Joint Statement:

No.1 has been addressed

No.2 has been addressed.

No.3 – Western maintains its position that it provided the documents as they have been kept in the usual course of business. It is Western's position that the records produced fall under 34(b)(2)(E)(i), and the amount of documents are not substantial or burdensome to review.

No.4. – Western has provided reference to Exhibit A as well as additional substantive remarks.

No.5 - Western has provided additional explanation for No.11 and No.16.

No.6. - Western has provided additional explanation.

No.7 - Western maintains its position that it provided the documents as they have been kept in the usual course of business. It is Western's position that the records produced fall under 34(b)(2)(E)(i), and the amount of documents are not substantial or burdensome to review.

RPDs

No.1 has been addressed.

No.2 has been addressed.

If you have any questions or concerns, please do not hesitate to contact me directly.

J. Ross Hutchison



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